



Attorney Docket No. 50665-8018.US01

1638

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: HUANGS *et al.*

APPLICATION No.: 09/847,232

FILED: MAY 2, 2001

FOR: PLANT TRANSCRIPTION FACTORS AND ENHANCED GENE
EXPRESSION

EXAMINER: BAUM, S.

ART UNIT: 1638

CONFIRMATION No. 5945

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL FOR INFORMATION DISCLOSURE STATEMENT

Sir:

Applicant(s) hereby submit the following documents for the above-entitled application.

Transmitted herewith are the following:

1. Information Disclosure Statement
2. Form PTO-1449
3. Postcard receipt.
4. Check in the amount of \$180.00 for fee due.

The Commissioner is hereby authorized to charge any underpayment or credit any overpayment in fees for timely filing of this transmittal and enclosures to Deposit Account No. 50-2207.

Respectfully submitted,
Perkins Coie LLP

Date:

Sept. 28, 2004

Jacqueline F. Mahoney

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Phone: (650) 838-4410



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**Information Disclosure Statement After First Office Action but Before
Final Action or Notice of Allowance—37 CFR 1.97(c)**

Commissioner for Patents
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Sir:

1. Timing of Submission

This information disclosure is being filed **after** three months of the filing date of this application or **after** the mailing date of the first office action on the merits, whichever occurred last, but **before** the mailing date of either a final action under 37 CFR 1.113 or a Notice of Allowance under 37 CFR 1.311, whichever occurs first. The references listed on the enclosed Form PTO-1449 may be material to the examination of this application; the Examiner is requested to make them of record in the application.

2. Cited Information

- ☒ Copies of the following references are enclosed:
- ☐ References marked with a double asterisk (**).
 - ☐ References marked by asterisks
 - ☒ All Cited References

☐ Copies of the following references can be found in parent U.S. Application No. *:

- ☐ All cited references
- ☐ References marked with a single asterisk (*).
- ☐ The following:

3. Effect of Information Disclosure Statement (37 CFR 1.97(h))

This Information Disclosure Statement is not to be construed as a representation that: (i) a search has been made; (ii) additional information material to the examination of this application does not exist; (iii) the information, protocols, results and the like reported by third parties are accurate or enabling; or (iv) the cited information is, or is considered to be, material to patentability. In addition, applicant does not admit that any enclosed item of information

constitutes prior art to the subject invention and specifically reserves the right to demonstrate that any such reference is not prior art.

4. Fee Payment

☒ Applicant elects to pay the fee under 37 CFR 1.17(p) in the amount of \$180.00.

☒ Enclosed is a check including the amount of \$180 for the fee due.

☒ The Commissioner is hereby authorized to charge any deficiency in fees to ensure timely submission of these papers to Deposit Account No. 50-2207.

5. Patent Term Adjustment (37 CFR 1.704(d))

☐ The undersigned states that each item of information submitted herewith was cited in a communication from a foreign patent office in a counterpart application and that this communication was not received by any individual designated in 37 C.F.R. § 1.56(c) more than thirty days prior to the filing of this statement. 37 C.F.R. § 1.704(d).

Respectfully submitted,
Perkins Coie LLP

Date: Sept. 28, 2004

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INFORMATION DISCLOSURE STATEMENT BY APPLICANT Form PTO-1449 (Modified) (Use several sheets if necessary)			COMPLETE IF KNOWN		
			Application No.	09/847,232	
			Confirmation Number	5945	
			Filing Date	05/02/2001	
			First Named Inventor	Huang et al.	
			Group Art Unit	1638	
Examiner Name	Baum, S..				
Sheet	1	of	2	Attorney Docket No.	50665-8018.US01

U.S. PATENT DOCUMENTS						
Examiner Initials*	Cite No.	U.S. Patent or Application		Name of Patentee or Inventor of Cited Document	Date of Publication or Filing Date of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		NUMBER	Kind Code (if known)			
		4,977,137		Nichols et al.	12/11/90	
		5,543,576		Van Ooijen et al.	08/06/96	
		5,994,628		Rodriguez	11/30/99	
		6,020,015		Gaull	02/01/00	
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		6,635,806	B1	Kriz et al.	10/21/03	
		20020192296	A1	Gaull et al.	12/19/02	
		20030229925	A1	Legrand et al.	12/11/03	

FOREIGN PATENT DOCUMENTS								
Examiner Initials*	Cite No.	Foreign Patent or Application			Name of Patentee or Applicant of Cited Document	Date of Publication or Filing Date of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T
		Office	NUMBER	Kind Code (if known)				
		PCT	WO 98/05788		Souppe, J. et al.	02/12/98		
		PCT	WO 02/063975	A2	Huang, N. et al.	08/22/02		

OTHER PRIOR ART-NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume issue number(s), publisher, city and/or country where published.	T
		Arakawa, T. <i>et al.</i> , "Improvements in Human Health through Production of Human Milk Proteins in Transgenic Food Plants," <i>Chemicals via Higher Plant Bioengineering</i> , pp. 149-159, 1999.	
		Bosch, D. <i>et al.</i> , "A trout growth hormone is expressed, correctly folded and partially glycosylated in the leaves but not the seeds of transgenic plants," <i>Transgenic Research</i> 3:304-310, 1994.	
		Chong, D.K.X. <i>et al.</i> , "Expression of the human milk protein β -casein in transgenic potato plants," <i>Transgenic Research</i> 6:289-296, 1997.	
		Lönnerdal, B., "Recombinant human milk proteins – an opportunity and a challenge," <i>Am. J. Clin. Nutr.</i> 63:4, 621S-626S, 1996.	
		Qiu, J. <i>et al.</i> , "Human milk lactoferrin inactivates two putative colonization factors expressed by <i>Haemophilus influenzae</i> ," <i>Proc. Natl. Acad. Sci. USA</i> 95:12641-12646, 1998.	

EXAMINER	DATE CONSIDERED
*EXAMINER: Initial if reference considered, whether or not criteria is in conformance with MPEP 609. Draw line through citation if not in conformance <u>and</u> not considered. Include copy of this form with next communication to application(s).	

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Examiner Initials*	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume issue number(s), publisher, city and/or country where published.	T
		Horvath, H. et al., "The production of recombinant proteins in transgenic barley grains," <i>PNAS</i> 97 (4):1914-1919, 2000.	
		Lönnerdal, B. and Iyer S., "Lactoferrin: Molecular Structure and Biological Function", <i>Annual Reviews Nutr.</i> 15 :93-110, 1995.	
		Salmon, V. et al., "Production of Human Lactoferrin in Transgenic Tobacco Plants", <i>Protein Expression and Purification</i> 13 :127-135, 1998.	
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		Busch, M. et al., "Activation of a Floral Homeotic Gene in <i>Arabidopsis</i> ", <i>Science</i> 285 :585-587, 1999.	
		Terashima, M. et al. "Production of functional human α_1 -antitrypsin by plant cell culture," <i>Appl. Microbiol Biotechnol.</i> 52 :516-523, 1999.	

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